

**MEDICAL EXAMINING BOARD  
MEETING MINUTES  
SEPTEMBER 18, 2013**

**PRESENT:** James Barr; Kenneth Simons, MD; Greg Collins; Carolyn Ogland, MD; Timothy Westlake, MD; Timothy Swan, MD; Mary Jo Capodice, DO; Jude Genereaux; Rodney Erickson, MD; Suresh Misra, MD; Russell Yale, MD; Gene Musser, MD; and Sridhar Vasudevan, MD

**STAFF:** Tom Ryan, Executive Director; Joshua Archiquette, Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Kenneth Simons, Chair, called the meeting to order at 8:00 a.m. A quorum of thirteen (13) was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Timothy Swan moved, seconded by Suresh Misra, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Sridhar Vasudevan moved, seconded by Suresh Misra, to approve the minutes of August 14, 2013 as published. Motion carried unanimously.

**MOTION:** Suresh Misra moved, seconded by James Barr, to approve the minutes of August 23, 2013 as published. Motion carried unanimously.

**MOTION:** Greg Collins moved, seconded by Sridhar Vasudevan, to approve the minutes of August 30, 2013 as published. Motion carried unanimously.

**LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS**

**MOTION:** Gene Musser moved, seconded by Greg Collins, to authorize Timothy Swan to approve the proposed rule draft of MED 1.02 relating to Diploma Copy Requirements for submission to the Clearinghouse. Motion carried unanimously.

**MOTION:** Sridhar Vasudevan moved, seconded by Gene Musser, to accept the amendments, approve the rule as amended and authorizes submission of Draft of Clearinghouse Rule 12-005 to the Legislature. Motion carried unanimously.

**MOTION:** Gene Musser moved, seconded by Timothy Swan, to recommend to the Podiatry Affiliated Credentialing Board that attendees successfully complete an examination demonstrating knowledge and understanding of the topics under POD 7.01(3). Motion carried unanimously.

*Timothy Swan left the meeting at 9:00 a.m.*

**MOTION:** Sridhar Vasudevan moved, seconded by Jude Genereaux, to adopt the suggested changes to the Position Statement “**HAS THE WISCONSIN MEDICAL EXAMINING BOARD ADOPTED SPECIFIC GUIDELINES FOR PHYSICIANS WHO ARE TREATING CHRONIC PAIN OR PRESCRIBING CONTROLLED SUBSTANCES FOR THE TREATMENT OF PAIN?**” to read as follows:

No. More information on this topic can be found at the FSMB website.

Motion carried unanimously.

**MOTION:** Timothy Westlake moved, seconded by Sridhar Vasudevan, to remove the remaining Position Statements from the website and table the discussion about the remaining Position Statements until the October 2013 meeting. Motion carried unanimously.

#### **SPEAKING ENGAGEMENTS**

**MOTION:** Mary Jo Capodice moved, seconded by Suresh Misra, to designate Timothy Swan, MD; as the Board’s representative to attend the 2013 Wisconsin Radiological Society Meeting for their presentation on “Recent changes in MED 10 and Licensing Updates” on Saturday, November 2, 2013. Motion carried unanimously.

**MOTION:** Jude Genereaux moved, seconded by Suresh Misra, to designate Kenneth Simons, MD as the Board’s representative to attend the MCW – Marquette Alumni Meeting at February 25, 2014. Motion carried unanimously.

#### **FSMB MATTERS**

**MOTION:** Timothy Westlake moved, seconded by Rodney Erickson, to nominate Greg Collins as the Board’s representative as a Candidate for the FSMB Nominating Committee and to seek appointment to the Ethics Committee of the Federation of State Medical Boards. Motion carried unanimously.

**MOTION:** Russell Yale moved, seconded by Timothy Westlake, to nominate Sridhar Vasudevan, MD as the Board’s representative as a Candidate for FSMB Board of Directors. Motion carried unanimously.

## **DISCIPLINARY MATTERS**

**MOTION:** Jude Genereaux moved, seconded by Suresh Misra, to have the Board Chair or Vice Chair if the Chair is unavailable designate two (2) Board members pursuant to 448.02(4) to hear any petition for summary suspension with the Chair prior to the October board meeting. Further the Board designates the Chair or Vice Chair if the chair is unavailable and two (2) board members to make a finding of probable cause, if appropriate, regarding any complaint submitted in conjunction with the summary suspension. Motion carried unanimously.

## **SCREENING PANEL REPORT**

Mr. Jim Barr reported that eighteen (18) cases were opened. Nineteen (19) cases were closed. Three (3) ten-day letters were sent.

## **CLOSED SESSION**

**MOTION:** Greg Collins moved seconded by Suresh Misra, to convene to closed session to deliberate on cases following hearing § 19.85 (1) (a), Stats.; consider closing disciplinary investigations with administrative warning § 19.85 (1)(b), Stats., and 440.205, Stats., to consider individual histories or disciplinary data § 19.85(1) (f), Stats., and, to confer with legal counsel § 19.85 (1) (g), Stats.). Kenneth Simons read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: James Barr – yes; Kenneth Simons – yes; Greg Collins – yes; Timothy Westlake – yes; Mary Jo Capodice – yes; Rodney Erickson – yes; Russell Yale – yes; Sridhar Vasudevan – yes; Gene Musser – yes; Suresh Misra – yes; and Carolyn Ogland – yes. Motion carried unanimously.

The Board convened into Closed Session at 10:29 a.m.

## **MONITORING MATTERS**

**MOTION:** Suresh Misra moved, seconded by Carolyn Ogland, to deny the request of John Hale, MD for interruption of drug screens. **Reason for Denial:** Non-compliance with the terms of the order. Motion carried unanimously.

**MOTION:** Suresh Misra moved, seconded by James Barr, to deny the request of Terrance Moe, MD for full licensure. **Reason for Denial:** Comments from the mentor. Motion carried unanimously.

## **PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

### **Jerry N. Yee, DO**

**MOTION:** Jude Genereaux moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Jerry N. Yee, DO (12 MED 263). Motion carried unanimously.

### **Kent Gregory Brockmann, MD**

**MOTION:** Sridhar Vasudevan moved, seconded by Russell Yale, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Kent Gregory Brockman, MD (13 MED 229). Motion carried unanimously.

## **PRESENTATION AND DELIBERATION OF ITEMS FROM DLSC ATTORNEY SANDRA NOWACK**

### **Proposed Stipulations, Final Decisions and Orders**

**MOTION:** Suresh Misra moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Devinder K. Sidhu, MD (13 MED 005). Motion carried unanimously.

**MOTION:** Sridhar Vasudevan moved, seconded by Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Judith L. Chantelois, MD (13 MED 130). Motion carried.

*Rodney Erickson abstained from voting in the above matter*

**MOTION:** Suresh Misra moved, seconded by Rodney Erickson, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against LuAnn Moraski, DO (13 MED 180). Motion carried unanimously.

## **PRESENTATION AND DELIBERATION OF ITEMS FROM DLSC ATTORNEY KIM KLUCK**

### **Proposed Stipulations, Final Decisions and Orders**

**MOTION:** Jude Genereaux moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Kenneth Raskin, MD (13 MED 046). Motion carried unanimously.

### **Complaint for Determination of Probable Cause**

**MOTION:** Sridhar Vasudevan moved, seconded by James Barr, to find probable cause to believe that Cha Lee, MD - Case Number 11 MED 232 - is guilty of unprofessional conduct and therefore issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. sec. 448.02(3)(b). Motion carried unanimously.

### **PRESENTATION AND DELIBERATION OF ITEMS FROM DLSC ATTORNEY ARTHUR THEXTON**

### **Administrative Warnings**

**MOTION:** Suresh Misra moved, seconded by Greg Collins, to issue an administrative warning in the matter of case number 11 MED 400 (V.S.C.). Motion carried.

*Gene Musser abstained from voting in the above matter.*

### **Proposed Stipulations, Final Decisions and Orders**

**MOTION:** Gene Musser moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Fredrick E. Ekberg, MD (13 MED 048). Motion carried unanimously.

### **PRESENTATION AND DELIBERATION OF PROPOSED DECISIONS AND FINAL ORDERS**

**MOTION:** Timothy Westlake moved, seconded by Russell Yale, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Ronald Plemmons, MD, Respondent – DHA Case # SPS-13-0022/DLSC Case # 12 MED 231. Motion carried.

*Mary Jo Capodice abstained from voting in the above matter.*

### **PRESENTATION AND DELIBERATION OF ORDER FIXING COSTS**

**MOTION:** Gene Musser moved, seconded by Sridhar Vasudevan, to adopt the Order Fixing Costs in the matter of Leonard Green (12 MED 339). Motion carried unanimously.

### **DLSC MATTERS**

### **Case Closures**

**MOTION:** Timothy Westlake moved, seconded by Greg Collins, to close case # 12 MED 390 (K.S.S.) for NV (No Violation). Motion carried unanimously.

**MOTION:** Mary Jo Capodice moved, seconded by James Barr, to close case # 12 MED 407 (K.L.) for P2 (Prosecutorial Discretion). Motion carried unanimously.

**MOTION:** Greg Collins moved, seconded by Timothy Westlake, to close case # 13 MED 032 (E.J.C.) for P5 (Prosecutorial Discretion). Motion carried.

*Rodney Erickson abstained from voting in the above matter.*

**MOTION:** Suresh Misra moved, seconded by Greg Collins, to close case # 13 MED 057 (H.B.) for NV (No Violation). Motion carried unanimously.

**MOTION:** Rodney Erickson moved, seconded by Carolyn Ogland, to close case # 13 MED 067 (D.L.P.) for NV (No Violation). Motion carried unanimously.

**MOTION:** Suresh Misra moved, seconded by Timothy Westlake, to close case # 13 MED 081 (A.D.F) for IE (Insufficient Evidence). Motion carried unanimously.

**MOTION:** Rodney Erickson moved, seconded by Timothy Westlake, to close case # 13 MED 107 (A.H.B.) for IE (Insufficient Evidence). Motion carried unanimously.

**MOTION:** Jude Genereaux moved, seconded by Sridhar Vasudevan, to close case # 13 MED 137 (J.D.M.) for IE (Insufficient Evidence). Motion carried unanimously.

**MOTION:** Mary Jo Capodice moved, seconded by Russell Yale, to close case # 13 MED 147 (P.M.B. & J.W.H.) for NV (No Violation). Motion carried.

*Gene Musser abstained from voting in the above matter.*

**MOTION:** Sridhar Vasudevan moved, seconded by Russell Yale, to close case # 13 MED 148 (A.I.) for P5 (Prosecutorial Discretion) with a flag. Motion carried unanimously.

**MOTION:** Timothy Westlake moved, seconded by James Barr, to close case # 13 MED 162 (J.R.M.) for NV (No Violation). Motion carried unanimously.

**MOTION:** Sridhar Vasudevan moved, seconded by Russell Yale, to close case # 13 MED 168 (J.L.R.) for P3 (Prosecutorial Discretion). Motion carried unanimously.

**MOTION:** Gene Musser moved, seconded by Greg Collins, to close case # 13 MED 218 (S.L.A.) for NV (No Violation). Motion carried unanimously.

**RECONSIDERATION OF BOARD DECISION REGARDING FULL BOARD ORAL REQUIREMENT FOR DASHELL J. SLABBERT, MD**

**MOTION:** Russell Yale moved, seconded by Carolyn Ogland, that on the basis of additional information received the Board finds there is no evidence of adverse formal action and a Full Board Oral examination is not required. The Board further grants licensure when all requirements have been met. Motion carried.

*Sridhar Vasudevan voted no in the above matter.*

**SEEKING EQUIVALENCY FOR 12 MONTHS OF ACGME APPROVED POST-GRADUATE TRAINING BASED ON EDUCATION AND TRAINING**

**MOTION:** Suresh Misra moved, seconded by Greg Collins, to find that the training and education of Oussama Darwish, MD is not substantially equivalent to requirement set forth in 448.05(2). Motion carried.

*Mary Jo Capodice voted no in the above motion.*

*Sridhar Vasudevan abstained from voting in the above motion*

**RATIFY ALL LICENSES AND CERTIFICATES**

**MOTION:** Sridhar Vasudevan moved, seconded by Gene Musser, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

**MOTION:** Suresh Misra moved, seconded by Timothy Westlake, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 12:41 p.m.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE**

**MOTION:** Jude Genereaux moved, seconded by Sridhar Vasudevan, to affirm all motions made in closed session. Motion carried unanimously.

*Timothy Swan returned to the meeting at 12:42 p.m.*

**NATIONAL GOVERNORS ASSOCIATION SURVEY ON FEDERAL  
RECOMMENDATIONS TO ADDRESS PRESCRIPTION DRUG ABUSE**

**MOTION:** Rodney Erickson moved, seconded by Gene Musser, to delegate Sridhar Vasudevan, MD to complete the NGA Survey on Federal Recommendations to Address Prescription Drug Abuse and delegate Kenneth Simons, MD to give final review for submission to the Governor's Office. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Sridhar Vasudevan moved, seconded by Suresh Misra, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:53 p.m.